

EXHIBIT B

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 1:19-cv-12551 FDS

Hon. F. Dennis Saylor IV

**DEFENDANT GOOGLE LLC'S OBJECTIONS TO PLAINTIFF'S NOTICE OF
DEPOSITION OF JOHNNY CHEN**

Defendant Google LLC hereby objects and responds as follows to the Notice of Deposition of Johnny Chen (“the Notice”) pursuant to Federal Rule of Civil Procedure 30(b)(1) dated May 27, 2021, from Plaintiff Singular Computing LLC (“Singular”). These objections do not waive any objections by Google on any ground, including objections as to the competency, relevancy, materiality, privilege or admissibility of the witness’s testimony, or the subject matter thereof.

1. Google objects to the Notice as improper, as Mr. Chen is not an employee of Google LLC.

2. Google objects to the date and time for this deposition identified in the Notice. Singular unilaterally selected June 28, 2021, at 9:00 a.m. ET without conferring with Google as to the availability of the witness or counsel. Google will meet and confer with Singular to arrange a mutually agreeable date and time for Mr. Chen’s deposition.

3. Google further objects to the Notice insofar as it seeks to depose Mr. Chen in person at the Boston office of Prince Lobel Tye LLP. Pursuant to the parties’ prior communications on this issue, Mr. Chen will be presented via video- or teleconference. Due to the ongoing pandemic, this measure is necessary to protect Mr. Chen’s safety as well as the safety of counsel, the stenographer, and the videographer. Indeed, the parties have successfully conducted each deposition of a Google witness in this matter using remote platforms (i.e., WebEx and Google Drive). Accordingly, these platforms should be used for Mr. Chen’s remote deposition, as well.

4. Google objects to the Notice as premature. Google has worked diligently to collect, prepare, and produce documents responsive to Singular’s discovery requests and ESI search terms in this matter. However, Singular recently propounded a second set of requests for production on May 24, 2021, to which Google has yet to respond. Should Singular choose to

nonetheless proceed with Mr. Chen's (or any other witness's) deposition, Google will object to any subsequent efforts to re-depose Mr. Chen (or any witness) absent agreement or leave of the Court. *See* Fed. R. Civ. Pro. 30(a)(2)(A)(ii) (noting that absent a stipulation otherwise, a court must grant leave for a deposition if "the deponent has already been deposed in the case"). Singular is aware of the current state of document discovery in this case; therefore, the supplemental production of documents would not justify seeking leave.

Respectfully submitted,

Dated: June 9, 2021

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PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Keker, Van Nest & Peters LLP, 633 Battery Street, San Francisco, CA 94111-1809.

On **June 9, 2021**, I served the following document(s):

DEFENDANT GOOGLE LLC'S OBJECTIONS TO PLAINTIFF'S NOTICE OF DEPOSITION OF JOHNNY CHEN

- ☒ by **E-MAIL VIA PDF FILE**, by transmitting on this date via e-mail a true and correct copy scanned into an electronic file in Adobe "pdf" format. The transmission was reported as complete and without error.

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Executed on **June 9, 2021**, at San Francisco, California. I declare under penalty of perjury that the foregoing is true and correct.


Julie A. Selby